

II. SUMMARY JUDGMENT AS TO COUNT I – MATERIALITY PROVISION OF THE CIVIL RIGHTS ACT

3. Even if this Court opts to address the merits of Plaintiffs’ Count I, this claim fails as a matter of law. Plaintiffs’ Count I asserts a claim under Materiality Provision of the Civil Rights Act, 52 U.S.C. § 10101(a)(2)(B), but that statute does not allow for or provide a private right of action and, thus, this Court cannot consider it.

4. But even if this Court is inclined to reach the merits of this claim, Plaintiffs are not entitled to relief because: (1) the Materiality Provision does not apply outside the context of voter registration schemes; (2) Plaintiffs have not even alleged in the Complaint—let alone established—that Election Code’s mail-in voting regulations discriminates against a class of individuals to which they belong; and (3) the dating requirement relative to Voter Declarations is material to determining the voter’s eligibility.

III. SUMMARY JUDGMENT AS TO COUNT II – FIRST AND FOURTEENTH AMENDMENTS

5. Even if this Court opts to address the merits of Plaintiffs’ Count II, this claim fails as a matter of law. Plaintiffs’ Count II asserts a claim for undue burden on the right to vote under the First and Fourteenth Amendments; however, any burden on Plaintiffs’ right to vote by the Board’s enforcement of the statutory requirement that voters date their absentee or mail-in ballot declarations is minimal, at best, and advances important regulatory interests in preventing fraud and ensuring orderly administration of elections.

WHEREFORE, Intervenor Defendant Ritter requests that the Court grant this Motion and enter judgment in his favor as to all remaining Counts in the Verified Complaint, and provide such further relief as set forth in the attached proposed order.

Respectfully submitted,

Dated: February 11, 2022

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